IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.2398 of 1996

Date of Decision: 17.11.2006

Jagmohan Singh .....Petitioner

Versus

State of Punjab and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE J. S. KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Rajan Gupta, Advocate
for the petitioner.

Mr.Ashok Aggarwal, Additional AG Punjab for respondents No.1 to 4.

***

J.S.KHEHAR, J.(Oral)

Through the instant writ petition, the petitioner claims medical re-imbursement on account of Angiography and Heart By-Pass surgery having been performed on 16.4.1994 and 21.4.1994. At the time when the instant matter came up for hearing, learned counsel for the petitioner had placed reliance on the decision rendered by a Division Bench of this Court in Smt.Kiran Raikhy Versus The Director, State Transport, Punjab and another (CWP No.1952 of 1996, decided on 1.1.1996). At the said juncture, learned counsel for the respondents had invited our attention to the fact that a petition for Special Leave to Appeal had been preferred by the State Government against the order passed by this Court in Kiran Raikhy's case

(supra) and that the Hon'ble Apex Court has granted the aforesaid petition for Special Leave to Appeal.

Learned counsel for the petitioner has now invited our attention to the fact that petition for Special Leave to Appeal (No.10399 of 1997) was dismissed by the Supreme Court on 11.2.1998.

In view of the above, there hardly remains any issue to be canvassed in the present controversy. Additionally, it would be pertinent to mention that the learned counsel for the respondents could not distinguish the controversy raised in the instant writ petition from the one adjudicated upon in Kiran Raikhy's case (supra).

In view of the above, the instant writ petition is allowed in the same terms as in Kiran Raikhy's case (supra).

It would, however, be not appropriate to grant interest to the petitioner on account of delayed payment in view of the decision rendered by the Apex Court in Om Parkash Gargi Versus State of Punjab etc. (1996 (II) SCC 399. However, it is apparent that what was due to the petitioner as far back as in the years 1994-95, shall now be released to the petitioner after a span of approximately 12 years. We are of the view that it would be just and appropriate to compensate the petitioner with costs which are quantified as Rs.25,000/-, which merely compensate the petitioner approximately Rs.2,000/- per year, for the amount retained by the respondents.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

November 17, 2006
SRM